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One-Sided Justice Hit By Mitchell

Associated Press

Attorney General John N. Mitchell said yesterday that the Nixon administration wants to shift the emphasis in criminal justice to justice for the accuser as well as the accused.

Mitchell said the courtroom in many cases is now "a place where fact is obscured and justice frustrated through the triumph of sophistry over common sense."

"A preoccupation with fairness for the accused has done violence to fairness for the accuser," Mitchell told the National District Attorneys Association. "In the process, fairness as a concept has often been strained to a meaningless shred."

As an example, the Attorney General said, "I recall to the fatuous argument that because Americans read the newspapers and watch television, it is impossible for us to get impartial juries."

A Connecticut judge recently dismissed charges against Black Panther leader Bobby Seale, accused in the slaying of a fellow Panther, on the ground that empanelling an impartial jury for a second trial would require "a superhuman effort." Mitchell made no direct reference to the case.

Mitchell also struck out at what he termed "extravagant means by which evidence is often disallowed," "overweening attention to proceduralisms," "astonishing extremes" demanded by courts to prove guilt and "interminable post-trial devices which rob justice of any finality."

Mitchell said the administration has "not the slightest intention of taking from the accused any right that constitutionally belongs to him."

"There is, however, a very serious intent to bring real meaning to our adversary court system—to assure justice to the accuser as well as to the accused," he said.

"There is a serious intent to make the courtroom a place where fact is determined and innocence or guilt decided, rather than a place where fact is obscured and justice frustrated through the triumph of sophistry over common sense," he said.